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OFFICE OF PETITIONS

In re Application of
Desmond R. Lim et al.
Application No. 09/996,462
Filed: November 28, 2001
Attorney Docket No. MIT9066

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed December 8, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on February 5, 2004, for failure to submit within three months, a proper and timely response to the final Office action mailed on December 4, 2003. By Advisory Action dated March 8, 2004, petitioners were informed that the reply to the Office Action, filed February 4, 2004, did not place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed June 15, 2004.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

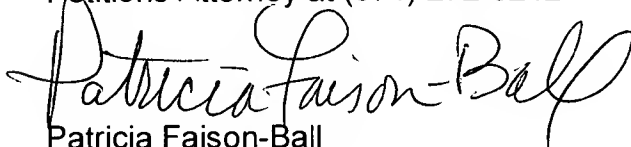
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

Additionally, petitioner has requested a three month extension of time, filed also with the petition to revive. Pursuant to 37 CFR 1.136 however, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$510.00 extension of time fee submitted with the petition on December 8, 2004, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account no. 19-0079. Petitioner is also advised that effective December 8, 2004, the fee for a petition to revive was increased to \$750.00 and thus, upon receipt of the petition, \$85.00 was debited from deposit account 19-0079.

This matter is being referred to Technology Center 2874 for processing of the RCE and submission.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script, reading "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions